

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Ikunoshia KATO et al.  
 Application No.: 09/937,375  
 Filed: September 24, 2001  
 For: GENE THERAPEUTICS



Art Unit: 1635

Examiner: J. Angell  
 Washington, D.C.  
 Atty.'s Docket: KATO=18

Corres. and Mail  
**BOX AF**

Date: February 25, 2005  
Confirmation No. 8012

**RESPONSE UNDER 37 CFR 1.110**  
**EXPEDITED PROCEDURE**  
**EXAMINING GROUP 1635**

THE COMMISSIONER OF PATENTS  
 U.S. Patent and Trademark Office  
 Customer Service Window  
 Randolph Building, Mail Stop AF  
 401 Dulany Street  
 Alexandria, VA 22314

Sir:

Transmitted herewith is a [XX] REPLY: AMENDMENT AND REMARKS in the above-identified application.

- [ ] Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.  
 [XX] No additional fee is required.  
 [ ] The fee has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	* 3	MINUS ** 20	0
INDEP.	* 1	MINUS *** 3	0
<b>FIRST PRESENTATION OF MULTIPLE DEP. CLAIM</b>			

ADDITIONAL FEE TOTAL

SMALL ENTITY		OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
x 25	\$	x 50	\$
x 100	\$	x 200	\$
+ 180	\$	+ 360	\$
ADDITIONAL FEE TOTAL		TOTAL	

- If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
 If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.  
 If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

- [XX] Conditional Petition for Extension of Time  
 If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

- [ ] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

## Small Entity

## Response Filed Within

- [ ] First - \$ 60.00  
 [ ] Second - \$ 225.00  
 [ ] Third - \$ 510.00  
 [ ] Fourth - \$ 795.00

## Month After Time Period Set

## Other Than Small Entity

## Response Filed Within

- [ ] First - \$ 120.00  
 [ ] Second - \$ 450.00  
 [ ] Third - \$ 1020.00  
 [ ] Fourth - \$ 1590.00

## Month After Time Period Set

[ ] Less fees (\$ \_\_\_\_\_) already paid for \_\_\_\_ month(s) extension of time on \_\_\_\_\_.

[ ] Please charge my Deposit Account No. 02-4035 in the amount of \$ \_\_\_\_\_.

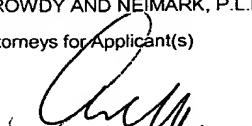
[ ] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ \_\_\_\_\_.

[ ] A check in the amount of \$ \_\_\_\_\_ is attached (check no. ).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s)

By:   
 Anne M. Kombau  
 Registration No. 25,884



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: KATO=18

In re Application of: ) Art Unit: 1635  
Ikunoshin KATO et al ) Examiner: J. E. Angell  
I.A. Appln. PCT/JP00/01533 ) Washington, D.C.  
I.A. Filing Date: 3/14/2000 )  
U.S. Appln. No. 09/937,375 ) Confirmation No. 8012  
Nationalized: 9/24/2001 )  
For: GENE THERAPEUTICS ) February 25, 2005

REPLY: AMENDMENT AND REMARKS

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building, Mail Stop AF  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Replying to the Office Action mailed December 1, 2004, please amend as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 4 of this paper.